

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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HENRY WATKINS	:	
	:	
Plaintiff,	:	
	:	
v.	:	NO. 02-CV-2881
	:	
PENNSYLVANIA BOARD OF PROBATION	:	
& PAROLE, EDWARD JONES, AND	:	
MICHAEL BUKATA	:	
	:	
Defendants.	:	

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**PLAINTIFF S RESPONSE TO DEFENDANTS MOTION TO DISMISS**  
**PLAINTIFF S AMENDED COMPLAINT**

Plaintiff, Henry Watkins, hereby opposes defendants Motion to Dismiss, and avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. Count V of the Amended Complaint alleges claims under Title VII, i.e. for discrimination and hostile work environment.
5. Denied. This is a Monell case and Section 1983 is not the exclusive remedy against a state in Monell cases.
6. Denied. Plaintiff alleges an official policy and custom, under the Monell rule, perpetuating the practices at issue in this Court in Williams v. Parole Board, No. 93-CV-5696,

and resulting in which the Governor's Office of Administration Reports documented a policy of discrimination and retaliation based on race, and the continuation thereof after 1996.

7. Denied. Defendants are not immune. The Board waived its immunity when it removed the case to this court, pursuant to Lapides v. Board of Regents of University System of Georgia, 535 U.S. \_\_\_\_ (2002). Individual defendants are not immune because they were not acting within the proper scope of their duties.

8. Denied. Plaintiff has sufficiently alleged claims for intentional and negligent infliction of emotional distress. Allegations of physical harm in the Complaint are not required.

9. Denied. Plaintiff has sufficiently alleged a claim for conspiracy.

10. Denied. Plaintiff has alleged conduct constituting a hostile work environment.

11. Denied. Plaintiff has sufficiently alleged a connection between his protected activity and the adverse employment action.

Plaintiff incorporates herein the accompanying Memorandum of Law as support for this Response.

WHEREFORE, plaintiff respectfully requests that this Court deny defendants Motion to Dismiss in its entirety. In the alternative, plaintiff requests leave to amend to further specify

facts in any area deemed inadequately pled.

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